

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

JAYLEN DALAINO BELL,

Petitioner,

v.

CIVIL ACTION NO. 2:24-cv-00233

WARDEN,

*South Central Regional Jail and Correctional
Facility,*

Defendant.

ORDER

Pending is Defendant Warden’s Motion to Dismiss, [Doc. 14], filed on August 6, 2024. This action was previously referred to the Honorable Joseph K. Reeder, United States Magistrate Judge, for submission of proposed findings and a recommendation (“PF&R”). [Doc. 3]. On August 7, 2024, the Court ordered the Petitioner to respond to the Motion to Dismiss within sixty days. [Doc. 15]. Mr. Bell did not respond. On January 7, 2025, Magistrate Judge Reeder filed his PF&R, [Doc. 19], recommending that the Court grant Defendant’s motion and remove this matter from the Court’s docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff’s right to appeal the Court’s order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-*

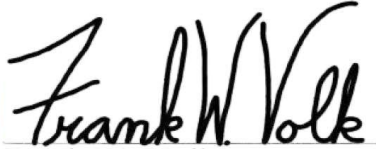
Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on January 24, 2025. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 19**], **GRANTS** Defendant’s Motion to Dismiss [**Doc. 14**], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTERED: January 29, 2025




Frank W. Volk
Chief United States District Judge

¹ On September 24, 2024, the Clerk’s Office received a notification of “Mail Returned as Undeliverable” and it provided that Mr. Bell was no longer in custody. [Docs. 16, 17]. Mr. Bell is obligated to provide the Clerk’s Office with any change in address -- even upon release. No other mail has been returned as of the date of this filing.